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Sunday, January 7, 2007

Secretary,
Office of the Secretary,
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

RE: Effects of Communications Towers on Migratory Birds, WT Docket No. 03-187:

Everyone who has worked on tower sites extensively, and who is aware of your actions regarding preventing towers from killing birds has to be watching this with incredulity. I'm one of those people who has made his living working on towers, and spent considerable time on tower sites.

My observations are completely opposite what you speculate seems to be happening regarding birds being killed by towers. Before the age of 10, I was going with my dad as he serviced towers. While he climbed and worked I wandered the tower fields. In the 1960's I started mowing tower fields, and still do. From 1978 to 1989 I managed a tower service company, and spent considerable time on tower sites in the Northeast.

From 1989 on I mow tower fields; spending about 60 days/year on tower sites. From the seat of a tractor I get to see every square foot of approximately 600 acres on 14 tower sites with 46 towers. What I've seen of dead birds convinces me that claims of 4-50 millions birds being killed by towers are totally untrue! What I see are about 12 birds per year--"tower kills"--including about 3-5 "feather piles" where the bird was at least eaten on the tower site.

For exercise I walk the country roads near where I live. My shortest route is 4 miles, the longest over 7. My observations of dead birds along these roads is; there is approximately 1 dead bird per mile--walk 7 miles, see at least 7 dead birds. I notice that a dead bird is usually around for up to three days; Sometimes less before it disappears, probably picked up by some scavenger.

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There are 4 million miles of roads in the US. At 1 bird-kill/mile/per 3-days per season (120 days) we could expect to see about 40 dead-birds/mile on our roads. This translates into 160,000,000 birds killed by vehicles/year. Which is quite a bit more than the Fish & Wildlife Service estimates that 60,000,000 birds are killed by vehicles every year.

Back to towers: Based on my observations that 46 towers may kill up to 12 birds/per 60 days observation. We could extrapolate that into 104,703 towers killing approximately 10 birds/tower/year, or about 1 millions birds being killed by towers/year. That's nowhere near the 4-50 million estimated by US-FWS.

In 1999 there reportedly was a conference at Cornell University to look at the effect of towers on birds. I attempted to attend that meeting, but could not find out the time and place, even though I studied their website (www.towerkill.com) to find them. Subsequently I learned:

- The US-FWS funded that group with money allegedly mis-appropriated from the "Sportsmen Fund"--which use is restricted to develop habitat for wildlife, and is funded by a tax on sporting equipment--not be used to do studies.
- One person reported to that group he had spent over 8,000 days on the site of a TV station in Colden, NY, and claimed seeing large numbers of birds killed by that 900 ft. tower. That person's statement is implausible for several reasons:
 - 8,000 days is 365 days per year for 21.9 years--He wasn't there.
 - I knew the chief engineer of that station. He would know about birds killed at his site. He would have also had occasion to see that person there and would have chased him off the station's property.
 - My employees, or I, also would have seen that person there, and would have chased him Off. We never accosted anybody on that station's site weeks and months we worked there.

I believe that person's claims have finally been removed from that website.

Using tax dollars so carelessly, and inappropriately begets no good! Money is wasted. The results of their research should be questioned. I believe upon closer scrutiny that data developed under this FWS contract may be found to have been falsified--this should be investigated. Do you remember Professor Michael Bellesiles of Emory University, and the 'Bancroft Prize'. Cornell's Ornithology Department, could be another version of the Bellesiles fiasco.

We--FWS, "Eco-freaks", tower owners, FCC, and academia can study this all we want--but what's being shown for 7-years of study are these claims: (data also shown in scientific notation)

- There are about 10 billion (10E9) birds that migrate and mate.
- In the fall there may be 20 billion (20E9) birds--including those hatched during the year.
- 97-976 million (976E6) are killed by flying into buildings according to FWS estimates.
- 4-50 million (50E6) are killed by towers. (?)
- 174 million (174E6) are killed by power lines.
- 60 million (60E6) are killed by vehicles. (?)
- 33,000 (33E3) are killed by wind power.
- 72 million (72E6) are killed by poisoning.
- 2 million (2E6) are killed by oil/wastewater pits, mostly in the west.
- 39 million (39E6) are killed by domestic cats in rural areas.
(This doesn't include domestic cats in suburbia, cities, feral, or other wild cats.)
- 10-100 million (100E6) are caught and killed by fisheries.

The FCC should call into question all of the data and claims made by Avatar, Woodlot, Center Pointe, Dr. Joelle Gehring, Protection Partners, and others. The FCC should ask:

1. Show us where all of your funding came from.
2. Show us all of your raw data--original questionnaires, responses, lab notebooks, etc.
3. Should ask follow-up questions to ascertain the veracity and accuracy of every statement.
4. Should demand the US-FWS account for proper appropriation and expenditure of monies related to these studies. (

We--every one of us--need to ask some more questions:

- What is the average live-span of these migratory birds?
- Without spending much money we should determine the average life-span of every one of the 836 species of birds.
- Were "tower kill" birds killed at the tower site?
- Or, were they just eaten at the tower site?
- Or, did they just happen to die of natural causes on the tower site?
- How many birds are eaten by other birds of prey--hawks, falcons, etc.?
- How many birds do suburban, urban, and feral cats kill?
- How many birds die of natural causes on tower sites?
- Where do birds go to die of natural causes?

More importantly the FCC should be asking:

- If the FCC increases tower regulations--how many birds will not be killed by towers?
- What will the increased cost to tower owners, public, and government be to accomplish this?

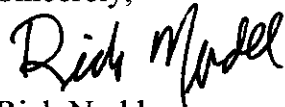
Every living thing is mortal. We know that humans live approximately 72 years. With our census figures we know that about 4.2 million of us die each year. I don't think we have any idea of how long migratory birds live in nature. Assuming that birds are living 72 years on average we should expect to see about 138 (138E6) million birds dying of natural causes each year. As it is, FWS "reasoning" estimates that 10 billion (10E9) birds die from all causes each year--with only 50 million (50E6) or about 1/2-of-1% (0.5%) of the bird population being victims of "tower kill". I believe that only around 1 million birds (0.01% of population) are killed by towers--not 4 million--definitely not 50 million!

From the FWS's own statistics we can determine the average life-span of birds is about 1-year. They estimate that 10 billion birds mate, and there are about 20 billion by fall with only 10 billion remaining the following year giving the rest of us a pretty good idea of the average life-span of migratory birds in the US.

We taxpayers are being fleeced by this exercise in futility trying to reduce the "tower kill" of birds from 50 million down to 40 million. (As if anyone really believes the estimate of 50 million). When in reality almost 200 times that many birds (around 10 billion) statistically will die each year from natural causes.

Whatever the FCC makes tower owners do to reduce the "tower kill" to birds is negligible in the real world, and isn't worth the money that has been, nor will be spent on this! And worse yet--nothing will be really accomplished for the birds its designed to help.

Sincerely,



Rick Nudd

Ref: FCC-06-1641
FWS 'Mortality Fact Sheet'